

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO.</b> _____
	:	
<b>v.</b>	:	<b>DATE FILED:</b> _____
	:	
<b>FAKER BENSALEM a/k/a "Gino</b>	:	<b>VIOLATIONS:</b> <b>18 U.S.C. § 1029 (b)(2)</b>
<b>Forchetti," a/k/a "Murrey Alwahid</b>	:	<b>(Conspiracy to commit</b>
<b>Avant," a/k/a Benjamin LeBlanc, and</b>	:	<b>credit card fraud - 1 count)</b>
<b>ANIS KALTHOUMI a/k/a "Anis</b>	:	<b>18 U.S.C. § 1029(a)(4)</b>
<b>Khaltoumi"</b>	:	<b>(Possession of device-making</b>
	:	<b>equipment with intent to</b>
	:	<b>defraud - 2 counts)</b>
	:	<b>18 U.S.C. § 1029(a)(1)</b>
	:	<b>(Production of counterfeit</b>
	:	<b>access devices with intent to</b>
	:	<b>defraud - 2 counts)</b>
	:	<b>18 U.S.C. § 1029(a)(3)</b>
	:	<b>(Possession of 15 or more</b>
	:	<b>unauthorized access devices</b>
	:	<b>with intent to defraud - 1</b>
	:	<b>count)</b>
	:	<b>18 U.S.C. § 1542 (False</b>
	:	<b>statement in application for</b>
	:	<b>U.S. passport - 1 count)</b>
	:	<b>18 U.S.C. § 911 (False claim of</b>
	:	<b>U.S. citizenship - 1 count)</b>
	:	<b>18 U.S.C. § 2 (Aiding and</b>
	:	<b>abetting)</b>
	:	<b>18 U.S.C. §§ 982(a)(2)(B) and</b>
	:	<b>1029(c)(1)(C) (Criminal</b>
	:	<b>forfeiture)</b>

## COUNT ONE

## THE GRAND JURY CHARGES THAT:

At all times material to this Indictment:

1. Defendant FAKER BENSALAM (a/k/a "Gino Forchetti," a/k/a "Murrey Alwahid Avant," and a/k/a "Benjamin LeBlanc") (hereinafter "FAKER BENSALAM") resided at 1575 West Street Road, Apartment 631, in Warminster, Pennsylvania.

2. Defendant ANIS KALTHOUMI (a/k/a "Anis Khaltoumi") (hereinafter "ANIS KALTHOUMI") was employed by the Old Philadelphia Tavern at the Philadelphia International Airport and by Bistro Saint Tropez at 2400 Market Street in Philadelphia and resided at 502 Gravel Hill Road in Southampton, Pennsylvania.

### **THE CONSPIRACY**

3. From in or about March, 2003 until in or about June, 2003, in the Eastern District of Pennsylvania and elsewhere, defendants

**FAKER BENSALAM  
a/k/a "Gino Forchetti"  
a/k/a "Murrey Alwahid Avant"  
a/k/a "Benjamin LeBlanc"**

**and**

**ANIS KALTHOUMI  
a/k/a "Anis Khaltoumi"**

knowingly and intentionally conspired and agreed with each other and with others, known and unknown, to knowingly and with intent to defraud possess device-making equipment and to possess, produce, use and traffic in unauthorized and counterfeit access devices, that is, credit cards, thereby affecting interstate commerce, in violation of Title 18, United States Code, Section 1029.

### **MANNER AND MEANS**

4. It was the purpose of the conspiracy that defendant FAKER BENSALAM would make or cause to be made fraudulent purchases at retail stores and restaurants with counterfeit credit cards that he manufactured by using real credit card numbers that were stolen by defendant ANIS KALTHOUMI and other persons.

It was a part of the conspiracy that:

5. Defendant FAKER BENSALAM operated a counterfeit credit card manufacturing scheme out of his residence at 1575 West Street Road, Apartment 631, Warminster, Pennsylvania using a variety of equipment, including, but not limited to, notebook and desktop computers, a credit card scanner, a credit card cloning or skimming device, an embossing machine, rolls of foil, blank signature strips, an encoding device for the magnetic stripes on credit cards, and numerous counterfeit blank credit cards.

6. Defendant FAKER BENSALAM provided to defendant ANIS KALTHOUMI a small, black electronic cloning or skimming device that was capable of copying the data stored on the magnetic stripes of real credit cards, including the name of the cardholder, the account number, and the expiration date of the card, and then storing the data inside the device.

7. Defendant FAKER BENSALAM instructed defendant KALTHOUMI concerning how to use the cloning or skimming device and agreed to pay defendant KALTHOUMI approximately \$20 for each credit card number that KALTHOUMI provided to him.

8. Defendant ANIS KALTHOUMI then used the cloning or skimming device while working as a bartender and waiter at Old Philadelphia Tavern at the Philadelphia International Airport and at Bistro Saint Tropez at 2400 Market Street and secretly ran approximately 100

credit cards of patrons at these establishments through the device, thereby capturing the data from each card that was needed to manufacture counterfeit credit cards or otherwise make use of the account numbers.

9. Defendant FAKER BENSALAM used the credit card numbers provided by defendant ANIS KALTHOUMI to manufacture counterfeit credit cards in fictitious names, including "W. Johnson" and "M. Dunn."

10. The counterfeit credit cards were then used by defendant FAKER BENSALAM and others involved in the conspiracy to make or attempt to make fraudulent purchases worth more than \$60,000 in, among other places, Wisconsin, Michigan, New York and Pennsylvania.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its unlawful objects, the following overt acts, among others, were committed in the Eastern District of Pennsylvania, and elsewhere:

1. In or about March, 2003, defendant FAKER BENSALAM approached defendant ANIS KALTHOUMI and asked him if he wanted to make some "extra cash" by using a small, black cloning or skimming device to copy credit card information and provide it to BENSALAM in exchange for \$20 per credit card.

2. In or about March, 2003, defendant ANIS KALTHOUMI accepted the offer made by defendant FAKER BENSALAM and BENSALAM instructed KALTHOUMI as to how to use the cloning or skimming device to steal credit card numbers from other persons without their knowledge.

3. From in or about March, 2003 until in or about June, 2003, defendant ANIS KALTHOUMI used the cloning or skimming device provided by defendant FAKER

BENSALEM to steal approximately 75 credit card numbers of patrons of the Old Philadelphia Tavern and approximately 25 credit card numbers of patrons of Bistro Saint Tropez.

4. Between in or about March, 2003 and in or about June, 2003, defendant ANIS KALTHOUMI provided the credit card numbers he had stolen to defendant FAKER BENSALEM.

5. Between in or about March, 2003 and in or about June, 2003, defendant FAKER BENSALEM paid to defendant KALTHOUMI a total of approximately \$3,000 in cash in exchange for the stolen credit card numbers that KALTHOUMI had provided to him.

6. Between on or about April 26, 2003 and on or about May 13, 2003, using the stolen credit card numbers provided by defendant ANIS KALTHOUMI, defendant FAKER BENSALEM produced counterfeit credit cards that were then used by defendant BENSALEM and other persons to make or attempt to make more than \$60,000 in purchases in Wisconsin, Michigan, New York and Pennsylvania.

All in violation of Title 18, United States Code, Section 1029(b)(2).

**COUNT TWO**

**(Possession of Device-Making Equipment With Intent to Defraud)**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1-2 and 4-10 of Count One are incorporated here.
2. On or about June 5, 2003, at Warminster, in the Eastern District of Pennsylvania,  
the defendant

**FAKER BENSALEM  
a/k/a "Gino Forchetti"  
a/k/a "Murrey Alwahid Avant"  
a/k/a "Benjamin LeBlanc"**

knowingly and with intent to defraud, possessed device-making equipment, that is, a Sony Vaio notebook computer model PGG-8D22 (Serial Number 28102830), Hewlett-Packard Pavilion 7850 computer tower (Serial Number MX10701488), Quantax computer tower (Serial Number 5001989185), AMC credit card scanner (Serial Number 1482309), computer processing board, Stamp-Ever date stamp, CCS 200 "Custom Card Systems" embossing machine, CM-30 Manual Tipper (Serial Number H991122), rolls of gold foil, carbon-backed gold foil and silver foil, blank signature strips, CD Rom disks and 3.5" floppy diskettes, and numerous counterfeit blank credit cards, thereby affecting interstate commerce.

In violation of Title 18, United States Code, Section 1029(a)(4).

**COUNT THREE**

**(Possession of Device-Making Equipment With Intent to Defraud)**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1-2 and 4-10 of Count One are incorporated here.
2. On or about June 3, 2003, at Philadelphia, in the Eastern District of Pennsylvania,  
the defendants

**FAKER BENSALEM  
a/k/a "Gino Forchetti"  
a/k/a "Murrey Alwahid Avant"  
a/k/a "Benjamin LeBlanc"**

**and**

**ANIS KALTHOUMI  
a/k/a "Anis Khaltoumi"**

knowingly and with intent to defraud, possessed device-making equipment and aided and abetted the possession of device-making equipment, that is, a small, black electronic cloning or skimming device designed to capture credit card numbers and related data as they are swiped through the device, thereby affecting interstate commerce.

In violation of Title 18, United States Code, Section 1029(a)(4) and 2.

**COUNT FOUR**

**(Production of Counterfeit Access Devices With Intent to Defraud)**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1-2 and 4-10 of Count One are incorporated here.
2. From in or about March, 2003 until on or about June 5, 2003, in the Eastern

District of Pennsylvania and elsewhere, the defendant

**FAKER BENSALEM**  
**a/k/a "Gino Forchetti"**  
**a/k/a "Murrey Alwahid Avant"**  
**a/k/a "Benjamin LeBlanc"**

knowingly and with intent to defraud produced one or more counterfeit access devices, that is, approximately 27 counterfeit American Express cards, thereby affecting interstate commerce.

In violation of Title 18, United States Code, Section 1029(a)(1).



**COUNT FIVE**

**(Aiding and Abetting Production of Counterfeit Access Devices With Intent to Defraud)**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1-2 and 4-10 of Count One are incorporated here.
2. From in or about March, 2003 until on or about June 3, 2003, in the Eastern District of Pennsylvania and elsewhere, the defendant

**ANIS KALTHOUMI  
a/k/a "Anis Khaltoumi"**

knowingly and with intent to defraud aided and abetted the production of one or more counterfeit access devices, that is, approximately 13 counterfeit American Express cards, thereby affecting interstate commerce.

In violation of Title 18, United States Code, Section 1029(a)(1) and 2.

**COUNT SIX**

**(Possession of 15 or More Unauthorized Access Devices With Intent to Defraud)**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1-2 and 4-10 of Count One are incorporated here.
2. On or about June 5, 2003, at Warminster, in the Eastern District of Pennsylvania,  
the defendant

**FAKER BENSALEM  
a/k/a "Gino Forchetti"  
a/k/a "Murrey Alwahid Avant"  
a/k/a "Benjamin LeBlanc"**

knowingly and with intent to defraud possessed fifteen or more unauthorized access devices, that is, approximately 271 credit card account numbers issued by the following banks and financial institutions, thereby affecting interstate commerce:

Affinity Federal Credit Union

American Express

Bank of America

Bank of Greene County

Bank of Newport

Bank of New York

Bank One

BNP Paribas

Capital One Bank

Chase Manhattan Bank

Citibank

Commerce Bank

Direct Merchants Credit Card Bank

Easthampton Savings Bank

Euro Kartensysteme Eurocard Und Eurocheque GMBH

FDS Bank

Fifth Third Bank

First USA Bank

First USA Financial Services, Inc.

First North American National Bank

First Union Direct Bank

Fleet National Bank

GE Capital Financial, Inc.

Hongkong and Shanghai Banking Corporation

Household Bank FSB

ICBA Bancard

International Card Services BV

Keybank

LaSalle Bank FSB

M & T Bank

MBNA America Bank

Merrill Lynch Bank

Money Access Service, Inc.

National Westminster Bank PLC

Navy Federal Credit Union

New York Community Bank

PNC Bank

Police & Fire Federal Credit Union

Provident National Bank

Sears National Bank

Sovereign Bank

Universal Bank

USAA Savings Bank

U.S. Bank

Wachovia Bank

Wells Fargo Bank

Zip Network

In violation of Title 18, United States Code, Section 1029(a)(3).

**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 7, 2003, at Philadelphia, in the Eastern District of Pennsylvania, the defendant

**FAKER BENSALEM**  
**a/k/a "Gino Forchetti"**  
**a/k/a "Murrey Alwahid Avant"**  
**a/k/a "Benjamin LeBlanc"**

willfully and knowingly made false statements in an application for a passport with the intent to induce and secure the issuance of a passport under the authority of the United States, for his own use or the use of another, contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to such laws, that is, defendant FAKER BENSALEM stated that his name was Murrey Alwahid Avant and that he was born in the United States and was a citizen of the United States, knowing that these statements were false.

In violation of Title 18, United States Code, Section 1542.

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 7, 2003, at Philadelphia, in the Eastern District of Pennsylvania, the  
defendant

**FAKER BENSALEM  
a/k/a "Gino Forchetti"  
a/k/a "Murrey Alwahid Avant"  
a/k/a "Benjamin LeBlanc"**

an alien and citizen of the Republic of Tunisia, falsely and willfully represented himself to be a  
citizen of the United States.

In violation of Title 18, United States Code, Section 911.

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**NOTICE OF FORFEITURE**

1. As a result of the violations of Title 18, United States Code, Section 1029, set forth in Counts One, Two, Three and Four of this Indictment, the defendant,

**FAKER BENSALAM**  
**a/k/a "Gino Forchetti"**  
**a/k/a "Murrey Alwahid Avant"**  
**a/k/a "Benjamin LeBlanc"**

shall forfeit to the United States of America pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C), the following property:

- (a) Any personal property used or intended to be used to commit the offenses charged in this Indictment, including the specific property described in Counts One and Two; and
- (b) any property constituting, or derived from, proceeds obtained directly or indirectly as the result of the violations of Title 18, United States Code, Section 1029, including but not limited to the sum of \$30,000.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C).



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**NOTICE OF FORFEITURE**

1. As a result of the violations of Title 18, United States Code, Section 1029, set forth in Counts One, Three and Six of this Indictment, the defendant,

**ANIS KALTHOUMI**  
**a/k/a "Anis Khaltoumi"**

shall forfeit to the United States of America pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C), the following property:

- (a) Any personal property used or intended to be used to commit the offenses charged in this Indictment, including the specific property described in Count Three; and
- (b) any property constituting, or derived from, proceeds obtained directly or indirectly as the result of the violations of Title 18, United States Code, Section 1029, including but not limited to the sum of \$3,000.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b),

incorporating 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C).

**A TRUE BILL:**

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**Grand Jury Foreperson**

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**PATRICK L. MEEHAN**  
**United States Attorney**